

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TERESA R. NEWELL,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security

Defendant.

Case No. C09-5750BHS-KLS

ORDER STRIKING DEFENDANT'S  
MOTION FOR LEAVE TO FILE A  
SURREPLY

This matter comes before the Court on defendant's filing of a motion for leave to file a surreply. (Dkt. # 19). Defendant states the filing of a surreply is sought "to address new issues raised by Plaintiff in her Reply Brief." (Id., p. 1). Plaintiff opposes defendant's motion, arguing that in essence, defendant's proposed surreply "is nothing more than an attempt to have another bite at the apple." (Dkt. #20). The undersigned finds, however, that the question of whether acceptance of defendant's surreply is appropriate in this matter should be considered along with the other issues raised in the parties' briefing.

Accordingly, defendant's motion for leave to file a surreply (Dkt. #19) hereby is STRICKEN. The determination as to whether defendant's surreply should be accepted by the undersigned and therefore considered with the parties' other briefing, shall be made in the Report and Recommendation to be issued addressing the merits of this case.

ORDER - 1

1 The Clerk is directed to send a copy of this order to [counsel for] plaintiff and counsel for  
2 defendants.

3 DATED this 28th day of May, 2010.  
4  
5

6   
7 Karen L. Strombom  
8 United States Magistrate Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26